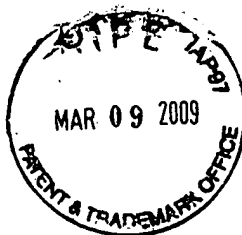


Docket No.: 043888-0325



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 53080
Tsutomu OHZUKU, et al.	:	Confirmation Number: 3395
Application No.: 10/506,298	:	Group Art Unit: 1795
Filed: September 01, 2004	:	Allowed: January 09, 2009
	:	Examiner: ECHELMEYER, Alix E.
For: ANODE ACTIVE MATERIAL, MANUFACTURING METHOD THEREOF, AND NON -AQUEOUS ELECTROLYTE SECONDARY BATTERY		

**SECOND REQUEST FOR
COMPLETE ACKNOWLEDGEMENT OF THE CITED ART**

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We are in receipt of the Notice of Allowance dated January 09, 2009.

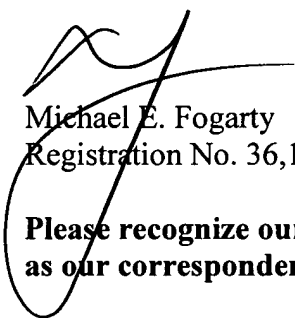
In reviewing the file, it is noted that we have not received **complete** acknowledgement of the Information Disclosure Statement and cited art filed July 16, 2007. Specifically, **ROSSEN, E., et al., "Structure and Electrochemsitry of $\text{Li}_x\text{Mn}_y\text{Ni}_{1-y}\text{O}_2$ ", SOLID STATE IONICS, 1992, page 311-318, Vol. 57, Elsevier Science Publishers B.V. (on page 8 of the PTO-1449)** listed under "**Other Art**" are not initialed by the Examiner. Enclosed are copies of the Information Disclosure Statement, PTO-1449 and stamped return postcard acknowledgement. Also enclosed please find a copy of the partially initialed PTO-1449 received with the Office Action dated November 23, 2007. **A copy of the reference is enclosed for the Examiner's convenience.**

Applicant hereby respectfully requests that:

- (1) the **completely** acknowledged PTO-1449 be furnished to Applicant; and
- (2) the record be clarified to confirm that the cited art has been considered and made of record.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Michael E. Fogarty
Registration No. 36,139

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MEF:kh
Facsimile: 202.756.8087
Date: March 9, 2009

**Please recognize our Customer No. 53080
as our correspondence address.**



Applicant: <u>Tsutomu OHZUKU, et al.</u>		Docket No. <u>043888-0325</u>	Serial No. <u>10/506,298</u>
Title: <u>POSITIVE ELECTRODE ACTIVE MATERIAL, PRODUCTION METHOD THEREOF AND NON-AQUEOUS ELECTROLYTE SECONDARY BATTERY</u>		Patent No. _____	
Date Sent: <u>7/16/2007</u>	<input checked="" type="checkbox"/> Hand Carried	<input type="checkbox"/> Fax	<input type="checkbox"/> Electronic
<input type="checkbox"/> Transmittal Letter	<input type="checkbox"/> Cert. of Mailing	<input type="checkbox"/> 1st Class Mail	<input type="checkbox"/> Express Mail No. _____
New Patent App	<input type="checkbox"/> Utility	<input type="checkbox"/> Design	<input type="checkbox"/> Cont.
Other:	<input type="checkbox"/> CIP	<input type="checkbox"/> Div.	<input type="checkbox"/> PCT
	<input type="checkbox"/> RCE	<input type="checkbox"/> Prov	<input type="checkbox"/> Letter submitting _____ pages of drawings
	<input type="checkbox"/> pages of Specification	<input type="checkbox"/> Req. for Approval of Drawing Amendments	<input type="checkbox"/> Req. for Oral Hearing
	<input type="checkbox"/> pages of Claims	<input type="checkbox"/> Not. of Appeal	<input type="checkbox"/> Appeal Brief
	<input type="checkbox"/> pages of Abstract	<input type="checkbox"/> Rule 312 Amendment/Letter	<input type="checkbox"/> Reply Brief
	<input type="checkbox"/> pages of Formal/Informal Drawings	<input type="checkbox"/> Req. for Acknowledgement of Cited Art	
<input type="checkbox"/> Small Entity	<input checked="" type="checkbox"/> Large Entity	<input type="checkbox"/> Issue Fee	
<input type="checkbox"/> Declaration/Power of Attorney		<input type="checkbox"/> Publication Fee	
<input type="checkbox"/> Recordation of Assignment/Security Agreement		<input type="checkbox"/> Req. for Certificate of Correction	
<input checked="" type="checkbox"/> Information Disclosure Statement		<input type="checkbox"/> Maintenance Fee for _____ years after grant	
<u>8</u> Form PTO 1449		<input type="checkbox"/> Fee Address Indication Form	
<u>63</u> References attached		<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Preliminary Amendment		<input checked="" type="checkbox"/> Korean Office Action (1)	
<input type="checkbox"/> Response to Missing Parts Notice		<input checked="" type="checkbox"/> Japanese Office Actions (2)	
<input type="checkbox"/> Resp. to Notice to Correct App. Papers		<input checked="" type="checkbox"/> Observation of a third party - Japanese (2)	
<input type="checkbox"/> Certified Copy of Priority Doc.			
<input type="checkbox"/> Claim for Convention Priority			
<input type="checkbox"/> Response/Amendment to Office Action of			
<input type="checkbox"/> Request for _____ month Extension of Time			



Check for	\$	<input checked="" type="checkbox"/> Charge Deposit Acct. 500417	\$ 180.00	Atty Inil.	BPC	Tkpr. #	5624	Secy. or PL:	LLNguyen
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CMS Descrip.: 10-\$180

THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.



Docket No.: 043888-0325

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 53080
Tsutomu OHZUKU, et al.	:	Confirmation Number: 3395
Application No.: 10/506,298	:	Group Art Unit: 1745
Filed: September 01, 2004	:	Examiner: BELL, BRUCE F
For: POSITIVE ELECTRODE ACTIVE MATERIAL, PRODUCTION METHOD THEREOF AND NON -AQUEOUS ELECTROLYTE SECONDARY BATTERY		

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with the provisions of 37 C.F.R. 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached form PTO-1449. It is respectfully requested that the documents be expressly considered during the prosecution of this application, and that the documents be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.